

**To:** McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Stern, Allyn[Stern.Allyn@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Grandinetti, Cami[Grandinetti.Cami@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Tom Imeson[tom.imeson@nwnatural.com]; Decker, Megan[Megan.Decker@portofportland.com]; Patricia M. Dost (pdost@pearllegalgroup.com) (pdost@pearllegalgroup.com)[pdost@pearllegalgroup.com]; MardiLyn.Saathoff@nwnatural.com[MardiLyn.Saathoff@nwnatural.com]  
**From:** Hamilton, Jessica  
**Sent:** Tue 1/19/2016 11:17:44 PM  
**Subject:** RE: Portland Harbor Superfund Site--Request to Resolve Issues re Jan 4 Letter

Thank you for making time this morning to revisit a potential path forward from EPA's January 4 letter. We understand your interests surrounding EPA's schedule and your desire to complete the FS yourself, and we also understand you have firm views of the Consent Order and our previous agreements. It appears that, at this time, those views prevent you from considering the LWG's proposal for a path forward that allows for dispute resolution of the final FS with minimum impact to EPA's schedule. As you know from our phone conversation today, we offered to have EPA complete the FS (assuming a retraction of the January 4 letter) so long as EPA recognizes our right to dispute the content of the Final FS. We would agree to a deferred dispute resolution process on the Final FS to run concurrently with the Public Comment period so as to minimize resource disruptions that could lead to delay. As a result of our inability to reach agreement, the LWG will be filing its dispute today. We remain open to discussion of an alternative path that accomplishes both parties' needs during the 14-day informal negotiation period and are hopeful that we can reach an acceptable resolution during that time.

As we discussed, Patty Dost is the point person for legal issues, and I will serve as point person for Senior Managers. Patty's email is [pdost@pearllegalgroup.com](mailto:pdost@pearllegalgroup.com).

Again, thank you for your time this morning and for putting together the call on such short notice.

Jessica and Tom

**Jessica Hamilton**

**Port of Portland**

Direct: 503-415-6033

[Jessica.Hamilton@portofportland.com](mailto:Jessica.Hamilton@portofportland.com)

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**From:** McLerran, Dennis [mailto:[mcclerran.dennis@epa.gov](mailto:mcclerran.dennis@epa.gov)]  
**Sent:** Monday, January 18, 2016 8:36 PM  
**To:** Hamilton, Jessica  
**Cc:** Stern, Allyn; Pirzadeh, Michelle; Grandinetti, Cami; Woolford, James; Mackey, Cyndy  
**Subject:** Re: Portland Harbor Superfund Site--Request to Resolve Issues re Jan 4 Letter

Thanks Jessica.

Dennis McLerran

Sent from my EPA iPhone

On Jan 18, 2016, at 8:35 PM, Hamilton, Jessica <[Jessica.Hamilton@portofportland.com](mailto:Jessica.Hamilton@portofportland.com)> wrote:

We can use this number tomorrow. I will dial in as host.

Toll Free:

Personal Privacy / Ex. 6

Host Code:

Personal Privacy / Ex. 6

Participant Code:

Personal Privacy / Ex. 6

Talk to you tomorrow. Jessica

Sent from my iPhone

Sent from my iPhone

On Jan 18, 2016, at 7:16 PM, McLerran, Dennis <[mclerran.dennis@epa.gov](mailto:mclerran.dennis@epa.gov)> wrote:

Jessica:

If you could set up a call in number that would be great. I look forward to talking tomorrow.

Dennis McLerran

Regional Administrator

EPA Region 10

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**From:** Hamilton, Jessica <[Jessica.Hamilton@portofportland.com](mailto:Jessica.Hamilton@portofportland.com)>

**Sent:** Monday, January 18, 2016 11:13 AM

**To:** McLerran, Dennis

**Cc:** Grandinetti, Cami; Tom Imeson; Robinhold, Curtis; Magorrian, Matthew; Pirzadeh, Michelle; Woolford, James; Stern, Allyn; Mackey, Cyndy; Cora, Lori

**Subject:** Re: Portland Harbor Superfund Site--Request to Resolve Issues re Jan 4 Letter

Confirmed for 9am. Tom and I will be making the call from separate locations so please let me know if you need me to supply a call-in number. Thanks.  
Jessica

Sent from my iPhone

On Jan 17, 2016, at 3:53 PM, McLerran, Dennis <[mclerran.dennis@epa.gov](mailto:mclerran.dennis@epa.gov)> wrote:

Jessica:

Cami and I can be available to talk at 9 AM Tuesday. Please call 206 553-1234 and we will take the call from my office. We would like to work on a way to keep the schedule while making sure you have the opportunity to build your record. At this point our attorneys do not believe the AOC provides for a dispute of the final FS content but we are willing to hear why you believe otherwise.

Dennis McLerran

Regional Administrator

EPA Region 10

Sent from my EPA iPhone

On Jan 16, 2016, at 10:38 AM, Hamilton, Jessica  
<[Jessica.Hamilton@portofportland.com](mailto:Jessica.Hamilton@portofportland.com)> wrote:

Dennis and Cami:

The LWG is facing a dispute deadline of Tuesday, January 19, and we intend to file our dispute, unless we can work something out with EPA that protects our ability to recover costs and also allows us to maintain our right to dispute the final FS, which is clearly contemplated and agreed to by the agency under the FS Process Agreement, which ties that right to the AOC, as well as a plain reading of the AOC itself.

The LWG, as we expressed when we first received the letter, believes that there is an acceptable solution out there, for both parties, to achieve EPA's goal of completing the FS and staying on schedule, well short of the approach outlined in your January 4 letter.

We would like to explore again with you whether we can reach agreement without initiating dispute. **We propose we discuss via conference call on Tuesday morning. Tom and I can both be available at 7:30 am, 9 am, or noon for a call.** Please let me know if you would like to try to work this out with us.

In anticipation of being able to come to a conceptual agreement, I will also ask for authority from the LWG to accept a short extension of the deadline to dispute in the event that EPA would like more time to memorialize the terms.

Just to be clear, we do not need an extension in order to file our dispute; rather any extension would solely be accepted to allow for the LWG and EPA to be able to finalize an agreement without LWG having to preemptively file a dispute to avoid waiving any rights.

We remain very hopeful and optimistic that we can work something out that allows EPA to stay on schedule and to complete the FS, but also accommodates the needs of the LWG to protect our legal rights.

We look forward to hearing from you about whether you would like to discuss on Tuesday, and if so, what time will work.

Thank you,

Jessica and Tom

**Jessica Hamilton**

**General Manager, Harbor Environmental**

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